

Executive Regulation

Office of the County Executive
Montgomery County, Maryland

| | | | |
|------------------------|--|----------------|------------------|
| Subject | RESIDENTIAL AND COMMERCIAL RECYCLING | Number | 109-92AM |
| Originating Department | DEPARTMENT OF ENVIRONMENTAL PROTECTION | Effective Date | January 13, 1994 |

2. Contents of plan. The plan must be submitted on forms provided by the Department and must include, at a minimum, description of facility by type; name, address, and telephone number of contact responsible for on-site recycling program; list of materials to be recycled; name and address of person providing recycling collection service; and sites where materials are delivered.

(C) Annual report on waste reduction and recycling activities.

1. Who must submit. All persons or entities subject to this section must submit an annual report in accordance with the schedule depicted on Attachment 3.
2. Contents of report. The annual report must be submitted on a form provided by the Department and must include tonnages of materials collected for recycling and for disposal, and changes from the approved recycling plan required under (2).

(c) Commercial Recycling and Waste Reduction - Generators/Businesses.

- (1) Schedule. All businesses must commence recycling materials which are required to be recycled in accordance with the schedule in Attachment 4.
- (2) Materials suitable for recycling. Materials required to be recycled by businesses include: corrugated cardboard containers, office paper, newspaper, aluminum and bi-metal cans, glass and plastic containers, and yard waste. Businesses are encouraged to recycle any other materials for which there is a viable market.
- (3) Exemptions.
 - (A) Exemptions Prior to Submission of Plan. Prior to the date that a business is required to submit a waste reduction and recycling plan, a business that advises the Director in writing that it cannot recycle specific



Executive Regulation

Office of the County Executive
Montgomery County, Maryland

| | | | |
|------------------------|--|----------------|------------------|
| Subject | RESIDENTIAL AND COMMERCIAL RECYCLING | Number | 109-92AM |
| Originating Department | DEPARTMENT OF ENVIRONMENTAL PROTECTION | Effective Date | January 13, 1994 |

recyclable material and gives the reason therefore is exempt from recycling that material for a period of time not to exceed the date on which the business must submit a waste reduction and recycling plan. Thereafter, any request for exemption must be submitted and determined in accordance with subsections (B), (C) and (D) below.

- (B) Exemptions Upon and After Plan Submission. Businesses for whom compliance with subsection (c) would be a significant hardship may request an exemption on a form available from the Department. A request for an exemption must be submitted with the businesses' plan and/or annual report (subsection 5 and 6). If the request for an exemption is denied, the business must resubmit a plan and/or report within 30 days, including the item(s) for which an exemption was sought. Businesses requesting an exemption must specify the reason for the request at the time they submit the plan and documentation necessary to justify an exemption.
- (C) Limits of exemption. The exemption must specify which materials are exempt from recycling requirements and the duration of the exemption.
- (D) Criteria for granting exemption. The Director must consider the following criteria in granting an exemption:
1. The unavailability of markets for the material identified;
 2. Extreme financial hardship upon the business due to significant disparity between the costs of recycling an identified material and the costs of disposal of that material; or
 3. The unavailability of an on-site or proximate off-site location to prepare and store materials for recycling.



Executive Regulation

Office of the County Executive
Montgomery County, Maryland

| | | | |
|------------------------|--|----------------|------------------|
| Subject | RESIDENTIAL AND COMMERCIAL RECYCLING | Number | 109-92AM |
| Originating Department | DEPARTMENT OF ENVIRONMENTAL PROTECTION | Effective Date | January 13, 1994 |

(4) Verification of information. Any contracts and invoices for collection and disposition of materials to be recycled must be maintained and made available, upon request, to the Department for inspection and copying. Contract prices and other such financial information may be deleted from the materials provided.

(5) Requirement for a waste reduction and recycling plan.

(A) Applicability.

1. Large businesses. All businesses with 100 or more employees must prepare a waste reduction and recycling plan demonstrating how the business will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50%, by weight, by the year 2001.
2. Small businesses. Selected types of businesses with fewer than 100 employees must prepare a waste reduction and recycling plan within 120 days from receipt of a written request for a plan from the Department.
3. Multiple Business Locations. Each business required to submit a plan and/or report for multiple locations in the County may submit a single plan and/or report to cover multiple locations, or may submit an individual plan and/or report for each separate location in compliance with these regulations.
4. Employee. For purposes of this subsection (c), employee means:
 - a. Any person working on-site 20 or more hours per week directly for the business or for an entity affiliated with the business; and
 - b. Any person working on-site for the business or an entity affiliated with the business as an



Executive Regulation

Office of the County Executive
Montgomery County, Maryland

| | | | |
|------------------------|--|----------------|------------------|
| Subject | RESIDENTIAL AND COMMERCIAL RECYCLING | Number | 109-92AM |
| Originating Department | DEPARTMENT OF ENVIRONMENTAL PROTECTION | Effective Date | January 13, 1994 |

agent or independent contractor for more than six months in any calendar year.

- (B) Acknowledgment. A corporate officer (president, vice president, or their designee) or owner of the business or, for waste reduction and recycling reports only, property must sign the plan and reports required by this subsection and acknowledge that, to the best of his or her knowledge, the information provided is correct.
- (C) Schedule for compliance. All businesses must comply with the schedule shown in Attachment 4 for submitting a waste reduction and recycling plan.
- (D) Plan updates. A business must update its plan if there are significant changes to the waste reduction and recycling activities of the business or if required as a result of revisions to these regulations.
- (E) Contents of plan. The waste reduction and recycling plan must be on forms provided by the Department and must include the following:
 - 1. A description of the business, including;
 - a. Name and address of the property owner and the reporting business.
 - b. Names of all entities affiliated with the business, including any parent and subsidiary business.
 - c. Number of full-time and part-time employees.
 - d. Number of square feet occupied by the business.
 - e. The activities conducted by the business.
 - 2. A description of the business' current solid waste generation, including:



Executive Regulation

Office of the County Executive
Montgomery County, Maryland

| | | | |
|------------------------|--|----------------|------------------|
| Subject | RESIDENTIAL AND COMMERCIAL RECYCLING | Number | 109-92AM |
| Originating Department | DEPARTMENT OF ENVIRONMENTAL PROTECTION | Effective Date | January 13, 1994 |

- a. Estimated tonnage of all solid waste produced.
 - b. Identification of recyclable solid waste defined in subsection (c)(2) above.
 3. A description of the business waste reduction and recycling methods.
 4. Name(s) of the person(s) responsible for coordinating recycling and waste reduction activities, preparing the annual report, and for responding to the Department on actions concerning implementation and enforcement of these regulations.
 5. Name and phone number of the licensed hauler or collector responsible for collecting the materials to be recycled.
- (6) Requirement for an annual report on waste reduction and recycling activities.
- (A) Applicability.
1. Large businesses. All businesses with 100 or more employees must prepare and submit to the Department in accordance with the schedule in Attachment 4 annual waste reduction and recycling reports.
 2. Small businesses. Businesses with fewer than 100 employees must prepare and begin submission of annual waste reduction and recycling reports within 120 days from receipt of a written request for reports from the Department. In no event will reports be due earlier than the deadlines in Attachment 4.
 3. Property owner option. The property owner in lieu of the business may submit the waste reduction and recycling reports.

Executive Regulation

Office of the County Executive
Montgomery County, Maryland

| | | | |
|------------------------|--|----------------|------------------|
| Subject | RESIDENTIAL AND COMMERCIAL RECYCLING | Number | 109-92AM |
| Originating Department | DEPARTMENT OF ENVIRONMENTAL PROTECTION | Effective Date | January 13, 1994 |

(B) Contents of the report. The annual report must include the following information on waste reduction and recycling activities conducted between January 1 and December 31 of the previous year:

1. Any change in the description of the business as submitted in the waste reduction and recycling plan or most recent annual report, including:
 - a. The purpose of, and activities conducted by, the business.
 - b. The number of full-time and part-time employees associated with the business.
 - c. The number of square feet occupied by the business.
2. Identification of the total annual tonnage of solid waste generated and the annual tonnage of each type of material being reduced or recycled.
3. A description of the progress in waste reduction and reuse efforts undertaken by the business.

(C) Acknowledgment. A corporate officer (president, vice president, or their designee) or owner of the business or, for waste reduction and recycling reports only, property must sign the plan and reports required by this subsection and acknowledge that, to the best of his or her knowledge, the information provided is correct.

(D) Schedule for compliance. All businesses must comply with the schedule shown in Attachment 4 for submitting a waste reduction and recycling annual report.

(E) Property Owner Annual Report Option. Although businesses have the burden of reporting, a property owner, in lieu of a business, may submit an annual report for one or more business(es) that occupy its